

REMARKS

Upon entry of this amendment, which amends claims 9-11, and adds new claims 13-19, claims 1-19 will be pending. In the Office Action, claims 1 and 9-10 stand rejected under 35 U.S.C. §102(b) as being anticipated by Vuong et al. (U.S. Patent No. 5,762,552, hereinafter "Vuong"). Claims 2-8 and 11-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over "Vuong" in view of Moody et al. (U.S. Patent No. 5,976,016, hereinafter "Moody"). Applicant respectfully traverses the rejections in view of the remarks below. Applicant notes that claim 9 was amended to correct typographical and grammatical mistakes and the amendments were not made for reasons related to patentability.

Declaration/Oath

The declaration was objected to because it was defective. In response, applicants have submitted a new oath.

Claims 1-9 and 17-18

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Vuong. Applicants respectfully traverse the rejection. Applicants submit that Vuong does not disclose or suggest at least "an electronic gaming device having a plurality of games accessible to a user" and "a game controller in communication with said user-actuable input means, said game controller initiating and simultaneously continuing play of multiple ones of said plurality of games in response to user activation thereof."

Vuong discloses a system that allows a player to select a desired game from several live-action board games of chance. *see Vuong*, col. 2, lines 51-52. The gaming machine then allows a user to place wagers on the live-action games and subsequently the user can participate in the live-action game when the live-action games start. A video representation is then displayed on the gaming machine of the live action game. *see Vuong*, col. 3, lines 30-34. Accordingly, a user can view a live-action game such as a blackjack table game, craps table game, or roulette table game; however, the gaming device in Vuong does not initiate and simultaneously continue play of multiple ones of a plurality of games. Rather, the live-action games are being played at physical

locations in the casino and the initiation of play is independent of the gaming machine of Vuong. Vuong just allows the placing of a wager and shows the video representation of the game when it is played at its physical location. Vuong also allows a player to place a wager on a non-table game played elsewhere in the casino, such as Keno. In this case, just the results of the Keno game are transmitted to the gaming machine. The gaming machine according to Vuong does not initiate play of the Keno game. *see Vuong*, col. 13, lines 41-46. Accordingly, applicants respectfully request withdrawal of the rejection of claim 1.

Claims 2-9 and 17-18 depend from claim 1 and derive patentability at least therefrom. These claims also include additional novel and non-obvious features. For example, claim 2 recites a pay table calculator that calculates a composite pay table corresponding to joint possible outcomes of the multiple ones of the plurality of games initiated by the user's activation. The rejection asserts that Vuong fails to disclose multiple pay tables but that Moody discloses the ability to play multiple games with each game having a chance to win differing amounts from one pay table. Moody discloses a pay table that is used for each outcome of the multiple games shown. Thus, the first outcome of a first game in Moody will receive a first pay-out from the pay table, a second outcome of a second game will receive a second pay-out from the pay table, etc. As claimed in claim 2, however, a pay table corresponding to the joint possible outcomes of the multiple games is provided. Thus, the pay table, as claimed, corresponds to the outcomes of all of the multiple games taken as a whole and is not used as the pay table for each separate outcome of the multiple games.

Additionally, claim 17 recites that the composite pay table is calculated using the odds of the multiple ones of the plurality of games and the wagers received for the multiple ones of said plurality of games.

Accordingly, applicant respectfully requests withdrawal of the rejections of claims 2-9 and 17-18.

Claims 10-12 and 19

Claim 10 was rejected under 35 U.S.C. 102(b) as being anticipated by Vuong. Applicants submit that Vuong does not disclose or suggest every element of

claim 10, as amended. For example, applicants submit that Vuong does not disclose or suggest at least "initiating and concurrently playing said first and said additional games." Accordingly, applicants respectfully request withdrawal of the rejection of claim 10.

Claims 11-12 and 19 depend from claim 10 and thus derive patentability at least therefrom. Accordingly, applicants respectfully request withdrawal of the rejections.

New Claims 13-16

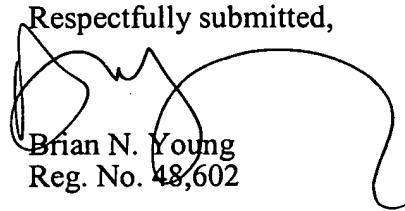
Applicants submit that new claims 13-17 are allowable. For example, the cited references do not disclose or suggest " providing a menu including the plurality of electronic games, each electronic game in the plurality of electronic games being independent of one another; receiving a selection for two or more of the plurality of electronic games; initiating play of the selected two or more electronic games; and playing the selected two or more electronic games substantially simultaneously."

Attached hereto is marked-up version of the changes made to the claims by the current amendment. The first page of the marked-up version is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE".

CONCLUSION

In view of the foregoing, applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Brian N. Young
Reg. No. 48,602

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834

MONTGOMERY et al.
Application No.: 09/770,998
Page 10

PATENT

Tel: 415-576-0200
Fax: 415-576-0300
BNY:deb
SF 1433050 v1

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

The paragraph beginning at page 3, line 18 of the specification has been replaced with following paragraph.

-- There is a demand in the gaming market for a new method of game play on electronic video machines. A method of game play that would provide the player with: new games and/or bonuses with lower higher odds and larger jackpots, that would not change the percentage of payback on existing games; a method of game play that would allow for a higher volume of "coin-in" per machine; and a method of game play that would promote groups of game players to participate in the same establishment.--

The paragraph beginning at page 3, line 28 of the specification has been replaced with the following paragraph.

--By programming electronic video machines to permit players to play independent games or to play such independent games simultaneously and/or in conjunction with other independent games. Pay tables with lower higher odds and larger jackpots could be created for such new games and/or bonuses. This strategy would also allow for a higher volume of "coin in" by allowing the player(s) to place multiple wagers on multiple games using a independent electronic video machine or networked independent electronic video machine. This method would create a new dimension of game play for players and the gaming industry.--

The paragraph beginning at page 6, line 1 of the specification has been replaced with the following paragraph.

--It is a still further object of the present invention to provide a method of game play on an electronic gaming machine that allows for lower higher odds by creating, based upon a player's selection of games, pay tables for new games and/or bonuses. These newly created or create-able pay tables will in turn provide players the opportunity to play for higher jackpots and bonuses.--

The paragraph beginning at page 7, line 32 of the specification has been replaced with the following paragraph.

--The method of game play under the present invention permits new games and/or bonuses to be created with lower higher odds and higher paybacks for the player(s) that can be used for large jackpots and/or in conjunction with networked gaming systems, progressive and wide-area progressive, and internet gaming systems. The variety of game pay tables that can be used to create new game and/or bonuses for the player is limited only to the programmer and the options programmed into the chosen gaming apparatus.--

The paragraph beginning at page 8, line 26 of the specification has been replaced with the following paragraph.

--It is still another important object of the method of the present invention to permit the player(s) to choose the combination of independent progressive and non-progressive games, for example, different odds and pay tables, game styles, denominations, and wagers, to be played simultaneously and/or in conjunction with other independent progressive and non-progressive games, i.e., different odds and pay tables, game styles, denominations, and wagers on more than one electronic gaming apparatus. The games and wagers selected by the player then become parameters in pay tables created from the predetermined indicia of the independent progressive and non-progressive games to create new progressive and wide-area progressive games. This is made possible under the present invention by permitting play on one or more independent gaming machine that is simultaneous and/or in conjunction with machine games. It is thus possible to combine the odds of the independent games to create "combination" games having lower higher odds.--

The paragraph beginning at page 27, line 29 of the specification with the following paragraph.

--FIG. 20 is a representation of draw poker hand frequencies created from the method of the present invention. By allowing the player the option to play more than



MONTGOMERY et al.
Application No.: 09/770,998
Page 13

PATENT

one game at a time, the interplay of the independent game hand frequencies creates combination game hand frequencies with low extremely high odds that can be used for bonus pays and new games.--

IN THE CLAIMS

Please amend claims 9-11 and add new claims 13-19 as follows. Claims 1-8 and 12 remain unchanged but have been reproduced for the Examiner's convenience.

1 1. An electronic gaming apparatus comprising:
2 an electronic gaming device having a plurality of games accessible to a
3 user;

4 a user-actuatable input means in communication with said electronic
5 gaming device to communicate an input signal from said user; and
6 a game controller in communication with said user-actuatable input
7 means, said game controller initiating and simultaneously continuing play of multiple
8 ones of said plurality of games in response to user activation thereof.

1 2. A gaming apparatus according to Claim 1, and further comprising
2 a pay table calculator in communication with said game controller to calculate a
3 composite pay table corresponding to joint possible outcomes of said multiple ones of
4 said plurality of games initiated by said user activation.

1 3. A gaming apparatus according to Claim 2 wherein said composite
2 pay table defines a new game.

1 4. A gaming apparatus according to Claim 2, wherein said composite
2 pay table defines a bonus table.

1 5. A gaming apparatus according to Claim 2, and further comprising
2 a network interface in communication with said game controller, enabling
3 communication with said game controller from a remote location.

1 6. A gaming apparatus according to Claim 5, wherein said remote
2 location is a separate electronic gaming device.

1 7. A gaming apparatus according to Claim 6, wherein a plurality of
2 separate electronic gaming devices communicate with said game controller.

1 8. A gaming apparatus according to Claim 7, wherein said composite
2 pay table is communicated to each of said plurality of separate electronic gaming devices.

1 9. (Amended) A gaming apparatus and method according to Claim 1,
2 wherein said user-actuable input means is a touch-screen video monitor.

1 10. (Amended) A method of playing an electronic game comprising
2 the steps of:

3 selecting a first game from a menu consisting of a plurality of games
4 presented by an electronic gambling device;
5 supplementing said selection of said first game by a further selection of an
6 additional game from said menu of said plurality of games; and
7 concurrently playing said first and said additional game.

1 11. (Amended) A method of playing an electronic game according to
2 Claim 10, and further comprising:

3 providing an alternative pay table based upon the games selected; and
4 presenting said alternative pay table to a user of said electronic game in
5 the form of additional betting opportunities.

1 12. A method of playing an electronic game according to Claim 11,
2 and further comprising;

3 establishing communications between a plurality of electronic gambling
4 devices; and

5 communicating said alternative pay table to said plurality of electronic
6 gambling devices.

1 13. (New) A method for providing a plurality of electronic games on
2 an electronic gaming device, the method comprising:
3 providing a menu including the plurality of electronic games, each
4 electronic game in the plurality of electronic games being independent of one another;
5 receiving a selection for two or more of the plurality of electronic games;
6 initiating play of the selected two or more electronic games; and
7 playing the selected two or more electronic games substantially
8 simultaneously.

1 14. (New) A method according to Claim 13, further comprising
2 receiving a wager for each of the selected two or more games.

1 15. (New) A method according to Claim 14, further comprising
2 determining a composite pay table for the selected two or more games based on the two
3 or more games selected and a wager received for each of the selected two or more games.

1 16. (New) A method according to Claim 15, wherein the determining
2 a composite pay table for the selected two or more games based on the two or more
3 games selected comprises determining the pay table based on the joint outcomes of the
4 two or more games selected.

1 17. (New) A gaming apparatus according to Claim 2, wherein the pay
2 table calculator calculates the composite pay table is calculated using odds of the multiple
3 ones of said plurality of electronic games and wagers received for the multiple ones of
4 said plurality of electronic games.

1 18. (New) A gaming apparatus according to Claim 1, wherein at least
2 one of the plurality of games is a progressive game.

1 19. (New) A method according to Claim 10, wherein at least one of the
2 first game and additional game comprise a progressive game.